



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/662,990 | 09/15/2000 | Sekaran Nanja | 20706-000120US | 3504 |

20350 7590 06/10/2004

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

DU, THUAN N

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2116

DATE MAILED: 06/10/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/662,990

Applicant(s)

NANJA, SEKARAN

Examiner

Thuan N. Du

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment B and Terminal Disclaimer (both received on 3/29/04).
2. Claims 1-15 are presented for examination.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Terminal Disclaimer

4. An attorney or agent, not of record, is not authorized to sign a terminal disclaimer in the capacity as an attorney or agent acting in a representative capacity as provided by 37 CFR 1.34 (a). See 37 CFR 1.321(b) and/or (c). Therefore, the Terminal Disclaimer has NOT been entered. A new Terminal Disclaimer is required.

Drawings

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the configurable communication link, hardware devices coupled to the communication link and software programs coupled to processing devices must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures

Art Unit: 2116

appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

6. Claims 7-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. Regarding claim 7, it is unclear how the software programs could be coupled to the processing devices.
8. Claims 8-15 are also rejected for incorporating the above deficiency by dependency.

Claim Rejections - 35 USC § 102

9. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by McNally et al. [McNally] (U.S. Patent No. 6,259,448).

Art Unit: 2116

10. Regarding claim 1, McNally teaches a method employing a processor coupled to a display device and to a user input device (mouse) [col. 2, lines 1-4], the method comprising:

allocating resources, in order to create a computing environment, by:

displaying a list of resources on the display device [col. 8, lines 55-57, 63-64; col. 9, lines 16-20], wherein the resources comprise at least one of a hardware device, operating system software and application software [col. 6, lines 7-16];

accepting signals from the user input device to indicate the configuration of a selected resource of the resources [col. 8, line 65 to col. 9, line 3; col. 9, lines 13-16, 20-23]; and

configuring the selected resource [col. 9, lines 23-26].

11. Regarding claim 2, McNally teaches that the resources comprise a hardware processor [col. 6, line 12].

12. Regarding claim 3, McNally teaches that the resources comprise software in an operating system [col. 6, line 11] and application software [col. 6, line 12].

Claim Rejections - 35 USC § 103

13. Claims 4-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNally et al. [McNally] (U.S. Patent No. 6,259,448).

14. Regarding claims 4-6, McNally teaches that composite models can be developed, by selecting resources (allocating resources), depend on the need of the user [col. 8, lines 39-41].

Therefore, it would have been obvious to one of ordinary skill in the art to recognize that McNally would allow the user to select the desired configuration and desired software component(s) for configuring the desired composite model.

Art Unit: 2116

15. Regarding claim 7, McNally teaches a system comprising:

a configurable communication link [col. 11, lines 11-13];

a plurality of hardware devices (machines) coupled to the communication link [col. 11, lines 11-13]; and

a plurality of software programs [col. 8, lines 33-34; col. 6, line 12], the software programs comprising at least one of operating system and application software [col. 6, lines 11-12], wherein the computing environment comprises the communication link, at least one of the hardware devices and at least one of the software programs (a computer machine must contain at least one processor and one operating system) [col. 11, lines 11-13].

16. Regarding claim 8, McNally teaches that the system further comprising:

a visual construction of the computing environment via a user interface [GUI], the user interface coupled to a display screen and to an input device (mouse) for generating signals in response to interactions of a user (drag-and-drop) [col. 9, lines 51-52], wherein the user interface configured to:

accepting a first signal from the input device which enables the user to specify a type of operating system for use in the computing environment [col. 6, lines 7-16; col. 8, line 65 to col. 9, line 3; col. 9, lines 13-18];

accepting a second signal from the input device which enables the user to specify a type of hardware for use within the computing environment [col. 6, lines 7-16; col. 8, line 65 to col. 9, line 3; col. 9, lines 13-18];

Art Unit: 2116

accepting one or more further signals from the input device which enable the user to specify software to be used within the computing environment [col. 6, lines 7-16; col. 8, line 65 to col. 9, line 3; col. 9, lines 13-18].

17. Regarding claim 9, McNally teaches the interface is configured to allow the user to specify a new device (model) to run [Figs. 7, 8; col. 9, lines 34-63].

18. Regarding claim 10, McNally teaches that plurality of configurations (distribution icons 72) are displayed [Fig. 7; col. 10, lines 55-58].

19. Regarding claim 11, McNally teaches that the hardware device (resource) is a hand-held device or a PDA (machine) [col. 6, line 10].

20. Regarding claim 12, McNally teaches the system allows the user to select the needed displayed hardware (resource), therefor, it would have been obvious to one of ordinary skill in the art to recognize that McNally would also allow the user to specify the constraints on the hardware.

21. Regarding claims 13 and 14, it is a matter of design choice for the user to request for shared storage or private storage.

Allowable Subject Matter

22. Claim 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Art Unit: 2116

Conclusion

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (703) 308-6292. The examiner can normally be reached on Monday-Friday: 9:00 AM - 5:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

The fax number for the organization is (703) 872-9306.



Thuan N. Du
June 8, 2004